

CITY OF AUSTIN
Board of Adjustment/Sign Review Board
Decision Sheet

DATE: January 12, 2015

CASE NUMBER: C16-2015-0001

☐ Y ☐ Jeff Jack - Chair
☐ Y ☐ Michael Von Ohlen
☐ Y ☐ Melissa Whaley Hawthorne - Vice Chair
☐ Y ☐ Sallie Burchett
☐ Y ☐ Ricardo De Camps
☐ Y ☐ Brian King (Motion to PP to Feb 9, 2015)
☐ Y ☐ Vincent Harding (2nd the Motion)
☐ Y ☐ Cathy French

APPLICANT: Tracy Bedwell

OWNER: Perry Phillips

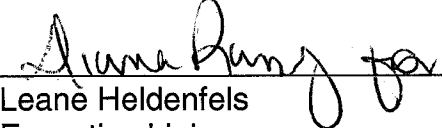
ADDRESS: 9665 US 290 HWY SVRD EB

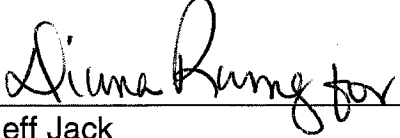
VARIANCE REQUESTED: The applicant has requested a variance to Section 25-10-123 (B) (3) (a) (*Expressway Corridor Sign District Regulations*) to increase the maximum height of a freestanding sign from 35 feet (required) to 50 feet (requested) in order to add a sign within the City's 2 mile ETJ (Extra Territorial Jurisdiction).

BOARD'S DECISION: The public hearing was closed on Board Member Bryan King motion to Postpone to February 9, 2015, Board Member Vincent Harding second on a 8-0 vote; **POSTPONED TO February 9, 2015.**

FINDING:

1. The variance is necessary because strict enforcement of the Article prohibits and reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscape, or topography, because:
OR,
2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because:
OR,
3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because:
AND,
4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because:


Leane Heldenfels
Executive Liaison


Jeff Jack
Chairman

CITY OF AUSTIN
APPLICATION TO SIGN REVIEW BOARD
SIGN VARIANCE

CASE #

C116-2015-0001
Row 11 260464

TAX ROLL - none

TEAD-022604/021

WARNING: Filing of this appeal stops all affected construction activity.

PLEASE: TYPE AND COMPLETE ALL REQUESTED INFORMATION.

STREET ADDRESS: 9665 Highway 290 E, Austin, TX 78724

LEGAL DESCRIPTION:

Please see Attachment 1 (Legal Description)

Subdivision – _____

Lot(s) _____ Block _____ Outlot _____ Division _____

I/We Tracy Bedwell on behalf of myself/ourselves as authorized agent for

Southern Tire Mart, LLC affirm that on October 31, 2014, hereby apply for a hearing before the Sign Review Board for consideration:

ERECT – ATTACH – COMPLETE – REMODEL – MAINTAIN

A new sign 50-ft in height at the Southern Tire Mart Site located at 9665 E US 290 SVRD EB,

Austin, TX

in a 2-Mile Extra Territorial Jurisdiction (ETJ) zoning district, located within the Commercial Sign District. (Based on land use inside the ETJ.)

If your variance request is for a reduction in setbacks or height limits, please contact Lena Lund with the Electric Utility at 322-6587 before filing your application with this office to discuss your request. The Electric Utility will recommend the board deny your request if it will result in an encroachment into an electric easement or a NESC violation.

NOTE: The Board must determine the existence of, sufficiency of and weight of evidence supporting the findings described below. In order to grant your request for a variance, the Board must first make one or more of the findings described under 1, 2, and 3 below; the Board must then make the finding described in item 4 below. If the Board cannot make the required findings, it cannot approve a sign variance.

Therefore, you must complete each of the applicable Findings Statements as part of your application. Failure to do so may result in your application being rejected as incomplete. Please attach any additional support documents.

VARIANCE FINDINGS: I contend that my entitlement to the requested variance is based on the following findings:

1. The variance is necessary because strict enforcement of the Article prohibits any reasonable opportunity to provide adequate signs on the site, considering the unique features of a site such as its dimensions, landscaping, or topography, because: The Southern Tire Mart, LLC (STM) site in Austin Texas is requesting a variance to the 30' maximum height sign ordinance due to site access challenges resulting from poor visibility of the site from Highway 290. More specifically, the elevated nature of the overpass spanning Johnny Morris Rd. restricts the view of the STM store while traveling in the east bound lane such that it cannot be seen from Highway 290 until the exit needed to access the STM store has already been passed. A similar problem exists while traveling in the west bound lane toward the site on Highway 290. While traveling west bound, the exit to access the site is located approximately 1,000-ft past an overpass, however, the exit is also located approximately ½ mile from store, therefore, the store is not easily seen until the exit needed to access the site has been passed. To make to the site more easily seen, and thus accessible, Southern Tire Mart, LLC is proposing to construct a 6-ft x 30-ft sign that will be elevated 50-ft from ground level.

OR,

2. The granting of this variance will not have a substantially adverse impact upon neighboring properties, because: the location of the sign will be in a location that will not impede the visibility of neighboring properties.

OR,

3. The granting of this variance will not substantially conflict with the stated purposes of this sign ordinance, because: _____

AND,

4. Granting a variance would not provide the applicant with a special privilege not enjoyed by others similarly situated or potentially similarly situated, because: The sign will function as a focal point to passengers on Highway 290, thereby, bringing more attention than currently exists to the neighboring properties and those similarly situated. As such, the variance will be mutually beneficial to the applicant and others similarly situated.

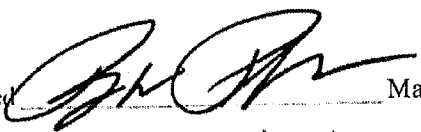
APPLICANT CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed Tracy Bedwell Mail Address tbedwell@tlwallace.com

City, State & Zip Columbia, MS 39429

Printed Tracy Bedwell Phone 601-441-6434 Date October 31, 2014

OWNERS CERTIFICATE – I affirm that my statements contained in the complete application are true and correct to the best of my knowledge and belief.

Signed  Mail Address 529 Industrial Park RD
City, State & Zip Columbia, MS 39429
Printed Perry W Phillips Phone 601 474 3200 Date 10/31/14

ADDITIONAL INFORMATION TO BE SUBMITTED WITH COMPLETED APPLICATION:
(FAILURE TO SUBMIT ALL THE REQUIRED MATERIALS WILL RESULT IN NON-
ACCEPTANCE OF THE APPLICATION. LATE BACKUP MATERIAL WILL BE
ACCEPTED UNTIL 9:00 A.M. THE MONDAY PRIOR TO THE MEETING. THERE
WILL BE NO EXCEPTIONS.)

SITE PLAN: Must be drawn to scale, showing present and proposed construction
and locations of existing structures on adjacent lots. Please See Figure 1
(Site Map).

All Sign Review Board cases must submit location and
elevation drawings, drawn to scale, in addition to the site
plan required.

APPLICATION FEES: Residential	\$360.00
All Other	\$660.00

Please be advised that the Board can only hear so many cases a month, therefore, first come, first served.

Please be advised that a request for reconsideration must be filed within 10 days from the Board meeting.

If you need assistance completing this application (general inquires only) please Susan Walker, 974-2202 or Diana Ramirez, 974-2241, 505 Barton Springs Road, 1st floor, Development Assistance Center

NOTE: ALL VARIANCES EXPIRE 1 YEAR (12 MONTHS) FROM DATE OF APPROVAL BY BOARD AS STATED IN SECTION 25-1-217 OF THE LAND DEVELOPMENT CODE UNLESS BOARD DEEMS OTHERWISE.

ATTACHEMET 1
LEGAL DESCRIPTION

Page 1 of 5
Parcel 46
October 20, 2010

EXHIBIT ____

County: Travis
Parcel No.: 46
Highway: U.S. Highway 290
Project Limits: From: E of US 183
To: E of SH 130
Right of Way CSJ: 0114-02-085

PROPERTY DESCRIPTION FOR PARCEL 46

DESCRIPTION OF 1.528 ACRES (66,562 SQ. FT.) OF LAND OUT OF THE WILLIAM H. SANDERS SURVEY NO. 54, ABSTRACT NO. 690, IN AUSTIN, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF LOT 1, CROFFORD ADDITION NO. 2, A SUBDIVISION OF RECORD IN BOOK 90, PAGES 50-51, PLAT RECORDS, TRAVIS COUNTY, TEXAS, SAME BEING A PORTION OF THAT CERTAIN TRACT OF LAND DESCRIBED IN A DEED TO HARDY CREDIT, CO., OF RECORD IN DOCUMENT 2003069039, OFFICIAL PUBLIC RECORDS, TRAVIS COUNTY, TEXAS, SAID 1.528 ACRES OF LAND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING at a 1/2" iron rod set with a TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) aluminum cap, in the proposed south right-of-way (ROW) line of U.S. Highway 290 and at the beginning of this Access Denial Line, 250.00 feet right of Engineer's Baseline Station 412+25.22, at the southeast corner of the herein described tract, same being in the east line of said Hardy Credit tract and said Lot 1, and in the west line of Lot 3, Block A, 290 East Business Park, a subdivision of record in Document 200300003, Official Public Records, Travis County, Texas, said Lot 3 being described in a deed to Kerry S. Yom, of record in Document 2003010702, Official Public Records, Travis County, Texas, from which point a 1/2" iron rod found at the south corner of said Hardy Credit tract and said Lot 1, and the east corner of that certain tract of land described as 4.03 acres in a deed to Southwestern Motor Transport, Inc., of record in Document 2000027131, Official Public Records, Travis County, Texas, same being in the west line of said Yom tract and said Lot 3, bears S23°37'02"W 694.62 feet;

THENCE, with the south line of this tract, and the proposed south ROW line of U.S. Highway 290, crossing said Hardy Credit tract and said Lot 1, the following five (5) courses numbered 1 through 5;

- 1) S71°25'55"W 170.19 feet, with said Access Denial Line, to a 1/2" iron rod set with a TxDOT aluminum cap stamped "ADI.", at the end of said Access Denial Line, 250.00 feet right of Engineer's Baseline Station 410+55.03;
- 2) S71°25'55"W 287.59 feet to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 250.00 feet right of Engineer's Baseline Station 407+67.44;

Page 2 of 5
Parcel 46
October 20, 2010

EXHIBIT _____

- 3) **S88°22'25"W 68.64 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 230.00 feet right of Engineer's Baseline Station 407+01.79;
- 4) **S71°25'55"W 39.00 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 230.00 feet right of Engineer's Baseline Station 406+62.79; and
- 5) **S50°30'54"W 21.18 feet** to a 1/2" iron rod set with a TxDOT aluminum cap to be replaced with a TxDOT Type II concrete monument after acquisition, 237.56 feet right of Engineer's Baseline Station 406+43.01, at the southwest corner of this tract, same being in the west line of the remainder of said Hardy Credit tract and the west line of said Lot 1, and the existing east ROW line of Crofford Lane, a public ROW for which no record information was found, same being the east line of a strip dedicated for street purposes by plat of said Crofford Addition No. 2, from which point a 1/2" iron rod found at the southwest corner of said remainder of said Hardy Credit tract and said Lot 1, same being in the existing east ROW line of Crofford Lane and the north line of said Southwestern Motor Transport tract, bears S23°31'43"W 226.84 feet;

THENCE, with the west line of this tract, and said remainder of said Hardy Credit tract and said Lot 1, and the existing east ROW line of Crofford Lane, and the east line of said strip dedicated for street purposes the following two (2) courses numbered 6 and 7;

- 6) **N23°31'43"E 130.18 feet** to a calculated point being the beginning of a curve; and
- 7) with said curve to the right, whose intersection angle is **51°41'52"**, radius is **50.00 feet**, an arc distance of **45.11 feet**, the chord of which bears **N50°12'01"E 43.60 feet** to a calculated point at the northwest corner of this tract, and said remainder of said Hardy Credit tract and of said Lot 1, same being in the existing south ROW line of U.S. Highway 290, and the south line of that certain tract of land described as 1.733 acres in a deed to the State of Texas, of record in Volume 843, Page 595, Deed Records, Travis County, Texas, from which point a 1/2" iron rod found bears N14°43'35"E 0.84 feet;

THENCE, with the north line of this tract, said Hardy Credit tract and said Lot 1, the existing south ROW line of U.S Highway 290, and the south line of said 1.733 acre State of Texas tract, the following two (2) courses numbered 8 and 9;

- 8) with a curve to the left, whose intersection angle is **03°50'03"**, radius is **5839.58 feet**, an arc distance of **390.78 feet**, the chord of which bears **N73°21'24"E 390.71 feet** to a calculated point at the end of said curve, from which point a 1/2" iron rod found bears N18°36'13"W 0.80 feet; and

Page 3 of 5
Parcel 46
October 20, 2010

EXHIBIT ____

- 9) N71°23'48"E 165.14 feet to a TxDOT Type I concrete monument found at the northeast corner of this tract, said Hardy Credit tract, and said Lot 1, and the northwest corner of said Yom tract and said Lot 3, from which a 1/2" iron rod found bears N14°25'52"E 0.82 feet;
- 10) THENCE, with the east line of this tract, of said Hardy Credit tract and of said Lot 1, and the west line of said Yom tract and of said Lot 3, S23°37'02"W 150.89 feet to the POINT OF BEGINNING and containing 1.528 acres within these metes and bounds, more or less.

All bearings are based on the Texas State Plane Coordinate System, Central Zone, NAD83(93) HARN. All distances and coordinates were adjusted to surface using a combined scale factor of 1.00011.

ACCESS WILL BE DENIED TO AND FROM THE TRANSPORTATION FACILITY ACROSS THE EXISTING RIGHT-OF-WAY LINE WITHIN THE LIMITS OF THE PROPOSED "ACCESS DENIAL LINE" AS DESCRIBED HEREIN, BEING A PORTION OF THE COMMON BOUNDARY LINE BETWEEN THE PROPOSED U.S. 290 HIGHWAY FACILITY AND THE ABUTTING PROPERTY.

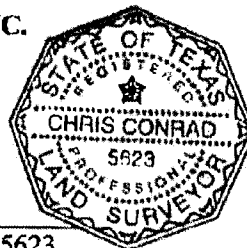
STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF TRAVIS §

That I, Chris Conrad, a Registered Professional Land Surveyor, do hereby certify that the above description is true and correct to the best of my knowledge and belief and that the property described herein was determined by a survey made on the ground under my direction and supervision.

WITNESS MY HAND AND SEAL at Austin, Travis County, Texas, this the 20th day of October, 2010 A.D.

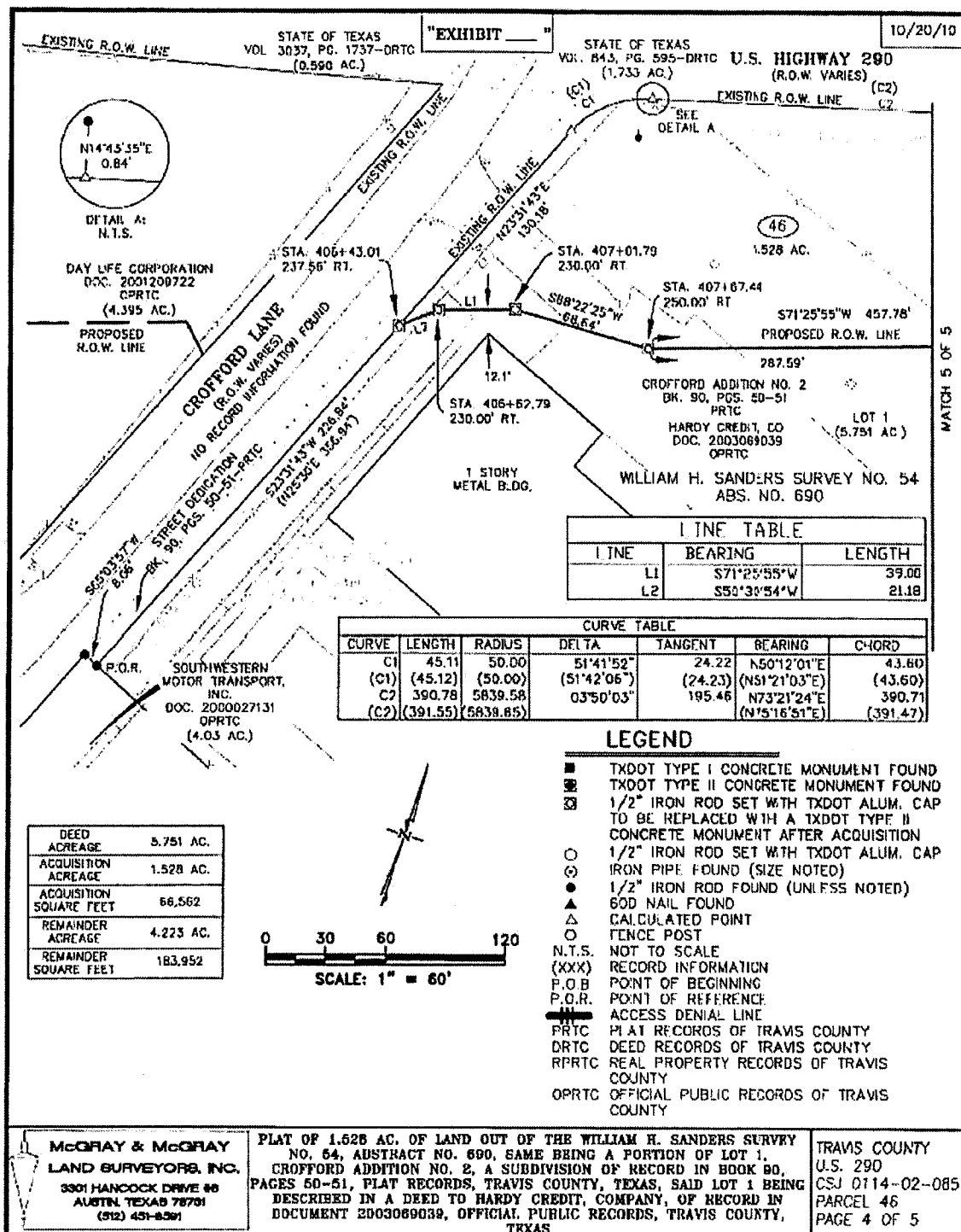
SURVEYED BY:

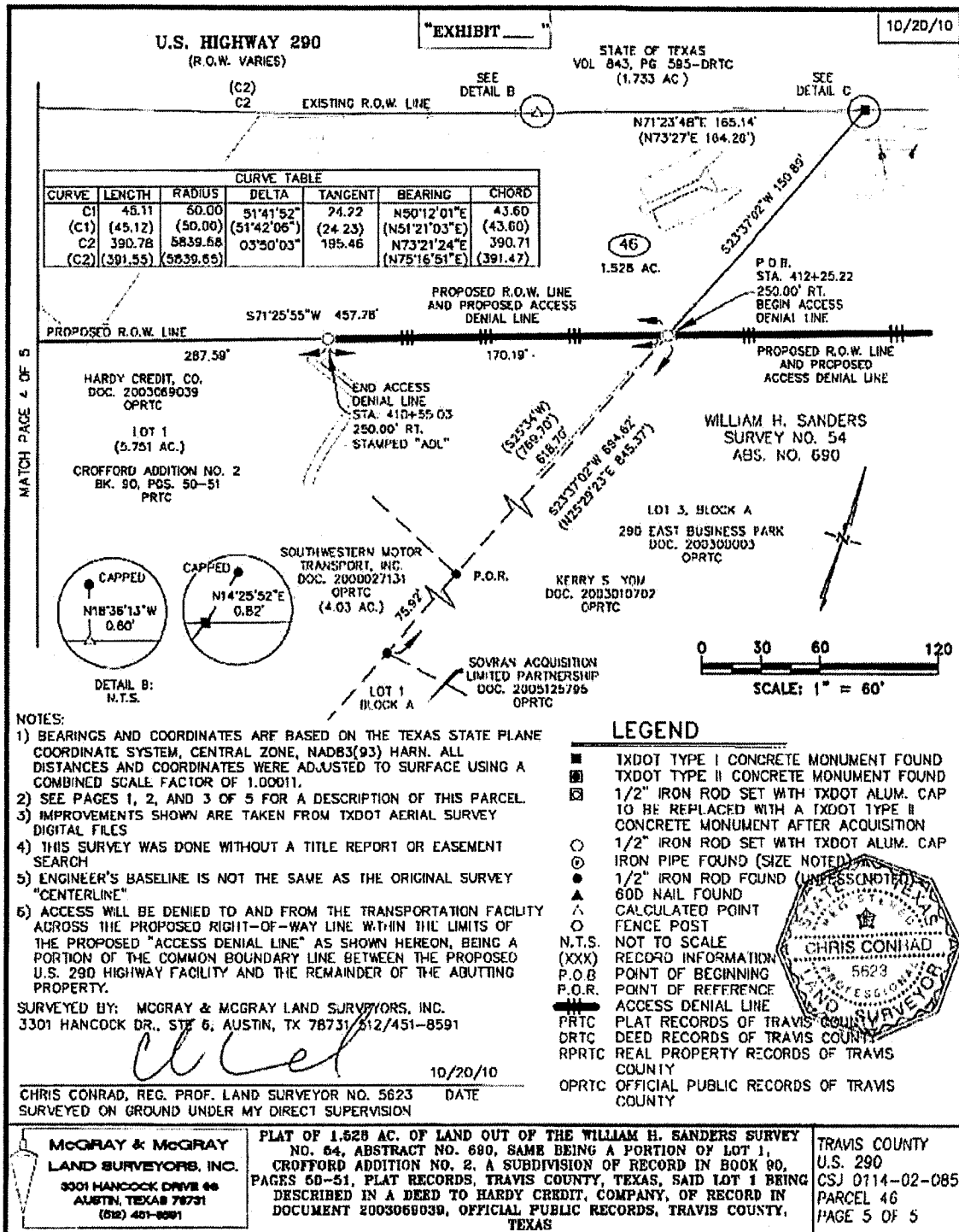
McGRAY & McGRAY LAND SURVEYORS, INC.
3301 Hancock Dr., Ste. 6 Austin, TX 78731 (512) 451-8591

Chris Conrad, Reg. Professional Land Surveyor No. 5623

Note: There is a plat to accompany this description. US 290 P46 REV3
Issued 02/27/09; Revised 10/20/2010



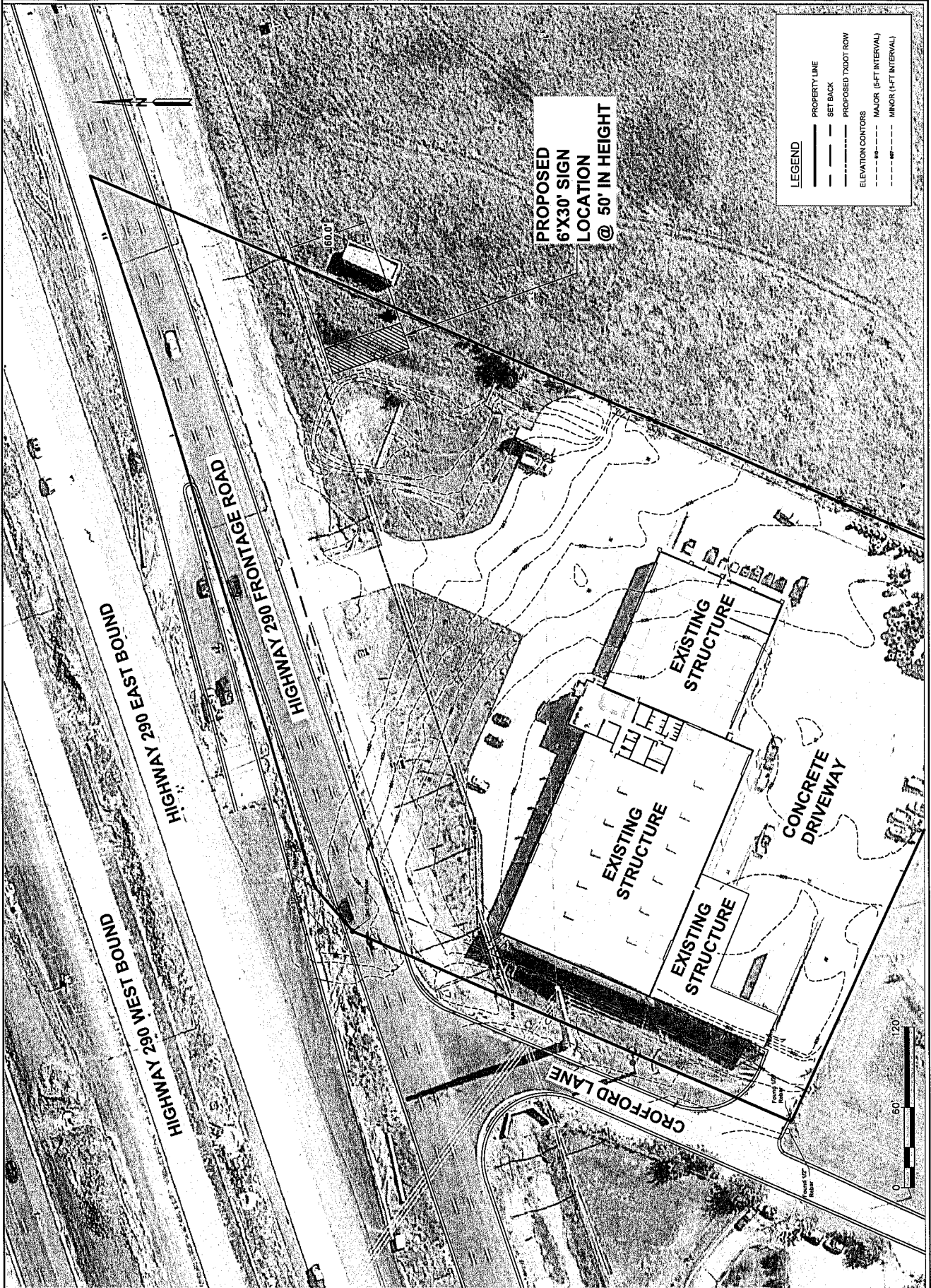


M:\SDSKPROJ\US290_10-076_CTRMA REVISED\DWG\PARCELS\PAR-46 REV3.DWG



FIGURE 1

SITE MAP



ELEVATION

SIDE VIEW

29'-10 1/2"

15'-6 3/4"

5'-0" DIA.

5'-0" DIA.

5'-0" DIA.

12'-6"

6"

19'-9 1/2" C/C

GRADE

ELECTRICAL CONDUIT

30" O.D. x .375" STEEL PIPE

SPURCE DETAIL

16" O.D. x .375" STEEL PIPE

MATCH PLATE DETAIL

8.625" O.D. x .322" STEEL PIPE

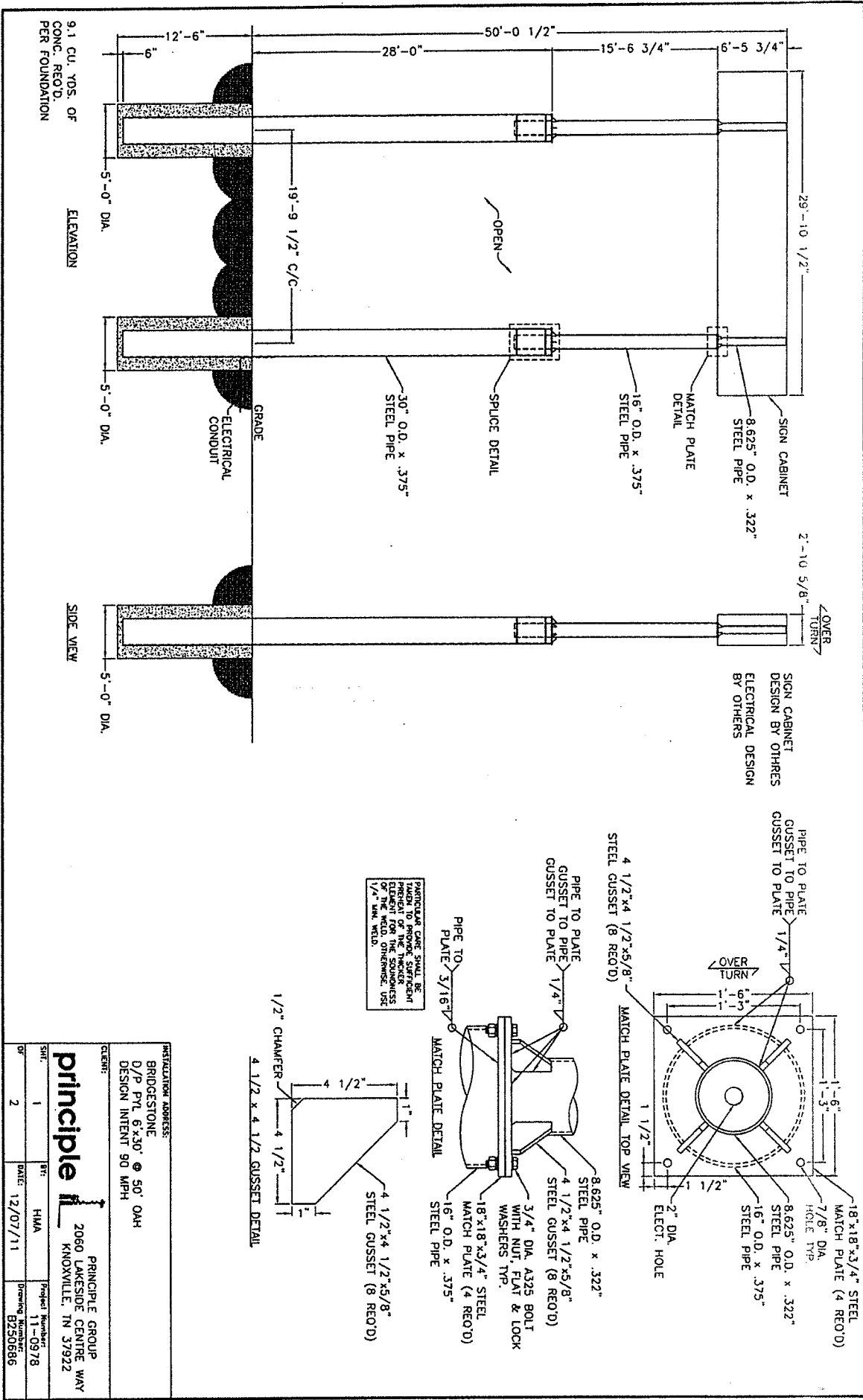
SIGN CABINET


OPEN

OVER TURN

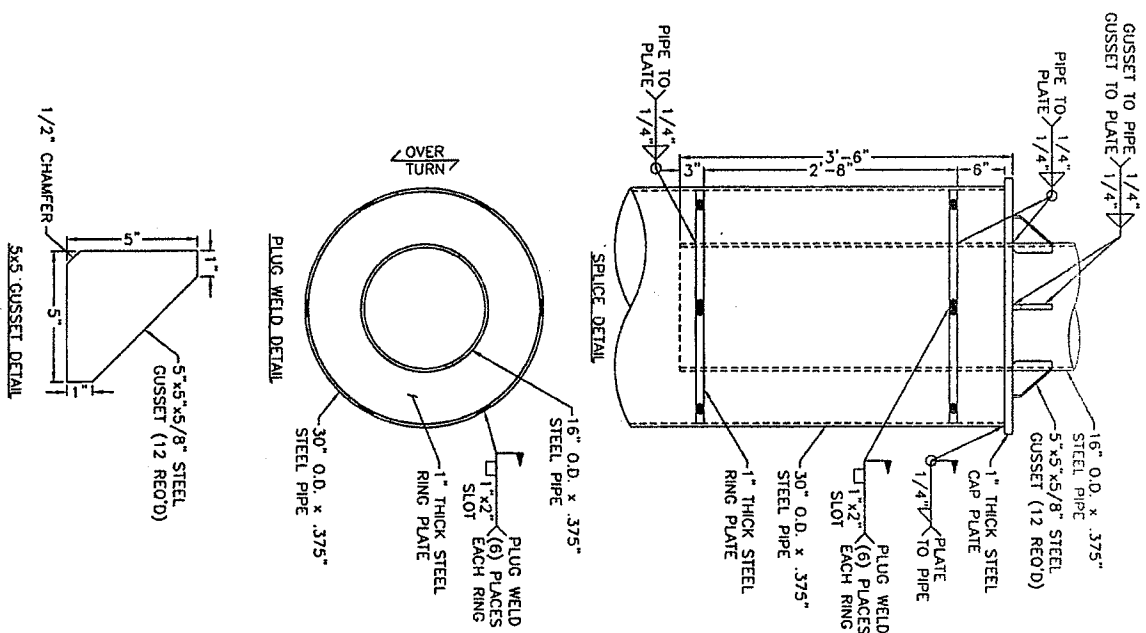
2'-10 5/8"

SIGN CABINET DESIGN BY OTHERS ELECTRICAL DESIGN BY OTHERS



INSTALLATION ADDRESS:	
BRIDGESTONE	
D/P PTL 6 x 30 @ 50' OAH	
DESIGN INTENT 90 MPH	
CLIENT:	
 <p>PRINCIPLE GROUP 2060 LAKESIDE CENTRE WAY KNOXVILLE, TN 37922</p>	
SHT.	1
DATE	12/07/11
BY	HMA
Project Number	11-0978
Drawing Number	6250686

** Preliminary Desg. Only
for Permit code check*



GENERAL DATA		FOUNDATION DATA		PILE DATA		PILE CAP DATA		PILE GROUP DATA		PILE GROUP DATA	
NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION	NO.	DESCRIPTION
1	FOUNDATION	1	FOUNDATION	1	FOUNDATION	1	FOUNDATION	1	FOUNDATION	1	FOUNDATION
2	FOUNDATION	2	FOUNDATION	2	FOUNDATION	2	FOUNDATION	2	FOUNDATION	2	FOUNDATION
3	FOUNDATION	3	FOUNDATION	3	FOUNDATION	3	FOUNDATION	3	FOUNDATION	3	FOUNDATION
4	FOUNDATION	4	FOUNDATION	4	FOUNDATION	4	FOUNDATION	4	FOUNDATION	4	FOUNDATION
5	FOUNDATION	5	FOUNDATION	5	FOUNDATION	5	FOUNDATION	5	FOUNDATION	5	FOUNDATION
6	FOUNDATION	6	FOUNDATION	6	FOUNDATION	6	FOUNDATION	6	FOUNDATION	6	FOUNDATION
7	FOUNDATION	7	FOUNDATION	7	FOUNDATION	7	FOUNDATION	7	FOUNDATION	7	FOUNDATION

- Design is based on 90 mph 3 second gust design wind speed per IBC 2006.
- Foundation is based on a sole lateral soil bearing pressure of 300 psf per foot of depth. Soil report was not furnished. Allowable bearing pressure should be verified prior to placement of concrete.
- Concrete shall be mixed to attain a minimum compressive strength of 3000 psi in 28 days.
- Support members shall be free from defects and shall meet ASTM A333 grade B with a minimum yield strength of 35000 psi for pipe. Pile and on pile shall meet ASTM A36.
- Structural bolts shall be A325 zinc coated unless otherwise noted.
- Welds shall be made with E70xx electrodes by persons qualified in accordance with AWS standards within the past two years.
- This design is prototypical and should not be used for site specific applications unless deemed suitable by a competent Professional Engineer.

INSTALLATION ADDRESS:

BRIDGESTONE
D/P P/L 6"x30" @ 50' OAH
DESIGN INTENT 90 MPH


CLIENT:

principle 2060 LAKESIDE CENTRE WAY
KNOXVILLE, TN 37922

PROJECT NUMBER: 11-0978
DRAWING NUMBER: B250686

DATE: 12/07/11

Heldenfels, Leane

From: Josh Davidson 
Sent: Thursday, January 08, 2015 2:40 PM
To: Heldenfels, Leane
Cc: Harold_Mccreary@amat.com
Subject: Case C16-2015-001 - 9665 E. US Highway 290 - Applied Materials' concerns about 50' high signage

Dear Ms. Heldenfels,

It was a pleasure talking with you on the phone today. Your input was very helpful to better understand the situation. As discussed, Applied Materials is concerned about increasing signage heights to fifty feet. While Applied Materials certainly supports the business endeavors of our neighbors on Hwy 290, we question whether the increased height is really necessary, and won't just set a precedent for all owners along Hwy 290 to seek fifty foot high signage. Perhaps it would be useful for Southern Tire Mart ("STM") to show pictures of the site in relation to the highway, as well as a rendering of the proposed signage as it would be seen from the highway. The pictures and rendering would be helpful to settle the question of whether the highway is in fact elevated in front of the STM. Moreover, the exits required to reach STM are far in advance of STM in both Eastbound and Westbound directions such that it is questionable whether raising the sign fifteen extra feet will help guide STM customers to the right exit in any event.

Thank you again for your time and for taking Applied Materials' comments into consideration.
Could you please include this note in the public record of comments.

Regards,

Josh Davidson

Josh Davidson
Senior Director | Global Real Estate | Applied Materials
9700 U.S. Hwy. 290 East, M/S 3200-431
Austin, TX 78724-1199 | USA
Office 512-272-3844 | Cell 512-433-9437 | Tie Line #92223844
E-Mail: josh_davidson@amat.com

The content of this message is Applied Materials Confidential. If you are not the intended recipient and have received this message in error, any use or distribution is prohibited. Please notify me immediately by reply e-mail and delete this message from your computer system. Thank you.

** Save a tree. Please don't print this e-mail unless needed.

6'-0"

30'-0"

BRIDGESTONE

1:10 scale

PUBLIC HEARING INFORMATION

Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed application. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During a public hearing, the board or commission may postpone or continue an application's hearing to a later date, or recommend approval or denial of the application. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice will be sent.

A board or commission's decision may be appealed by a person with standing to appeal, or an interested party that is identified as a person who can appeal the decision. The body holding a public hearing on an appeal will determine whether a person has standing to appeal the decision.

An interested party is defined as a person who is the applicant or record owner of the subject property, or who communicates an interest to a board or commission by:

- delivering a written statement to the board or commission before or during the public hearing that generally identifies the issues of concern (*it may be delivered to the contact person listed on a notice*); or
 - appearing and speaking for the record at the public hearing;
- and:
- occupies a primary residence that is within 500 feet of the subject property or proposed development;
 - is the record owner of property within 500 feet of the subject property or proposed development; or
 - is an officer of an environmental or neighborhood organization that has an interest in or whose declared boundaries are within 500 feet of the subject property or proposed development.

A notice of appeal must be filed with the director of the responsible department no later than 10 days after the decision. An appeal form may be available from the responsible department.

For additional information on the City of Austin's land development process, visit our web site: www.austintexas.gov/development.

Written comments must be submitted to the contact person listed on the notice before or at a public hearing. Your comments should include the name of the board or commission, or Council; the scheduled date of the public hearing; the Case Number; and the contact person listed on the notice. All comments received will become part of the public record of this case.

Case Number: C16-2015-0001, 9665 E. US Highway 290

Contact: Leane Heldenfels, 512-974-2202, lane.heldenfels@austintexas.gov

Public Hearing: Sign Review Board, January 12th, 2015

TERRY ROWAN

Your Name (please print)

☒ I am in favor
☐ I object

9808 CROFFORD LN, AUSTIN TX 78724

Your address(es) affected by this application

Terry Rowan

Signature

1-7-2015

Date

Daytime Telephone: 512-272-5511

Comments:

Note: any comments received will become part of the public record of this case

If you use this form to comment, it may be returned to:

City of Austin-Planning & Development Review Department/ 1st Floor

Leane Heldenfels

P. O. Box 1088

Austin, TX 78767-1088

Or scan and email to lane.heldendfels@austintexas.gov